

1 Thomas M. Moroughan

2 A Yes.

3 Q And you were asked some questions
4 and I think you said as a cab driver you begin
5 to see certain behaviors and you begin to
6 correlate that with certain conduct, right?

7 A Correct.

8 Q So, is it fair to say that when
9 you saw these two cars cut you off and speed
10 past you and flashing their lights and the way
11 they were behaving as you have described, you
12 had in your mind that these the guys were
13 drunk?

14 A Yes.

15 Q Would you agree that the manner
16 in which you observed them operating their
17 cars, cutting you off as you described, they
18 were driving in an aggressive way?

19 A Yes, they were -- it was
20 dangerous.

21 Q And after they passed you you
22 flashed your brights, correct?

23 A Yes.

24 Q Was that in response to their
25 aggressive behavior, to flash your brights in

Thomas M. Moroughan

their rearview mirror?

A I believe I only did it to the Acura. And that was like as he was cutting me off.

Q And you said you did it to let him know you were there, because your horn didn't work?

A Yes.

Q And other than flashing it that one time you didn't put your brights on at all at any other time that evening?

A That evening? At that particular instance, no.

Q I am not talking about when you drove to Huntington Hospital.

Between the time you flashed it at the Acura and to the point you pulled away following the shooting, did you put the brights back on?

A No, I don't believe so.

Q But when you pulled up next to these two vehicles who were now pulled over to the side of the road, you thought you were going to argue with a couple of drunk guys; is

Thomas M. Moroughan

that right?

A I wasn't trying to argue, but
yes.

Q Did they wave you over?

A No.

Q Did they do anything with a
flashlight or step inside into your lane to
ask you to pull over?

A No.

Q Did anyone ask you to stop?

A No.

Q You stopped on your own?

A Yes.

Q To confront and curse at a guy
you thought was drunk, right?

A Yes.

Q Okay.

You could have, if you had wanted
to, continued simply to drive on back to the
train station, right?

A Correct.

Q You had been told moments before
when you were at the intersection that your
fare had cancelled, right?

1 Thomas M. Moroughan

2 A Correct.

3 Q Did that anger you?

4 A No.

5 Q How many fares that night had
6 cancelled on you?

7 A Not quite sure. That was
8 probably the only one.

9 Q But your game plan, once that
10 thing was cancelled, was to head back to the
11 train station?

12 A Head back to Huntington Village.

13 Q To go back to the Village, did
14 you need at some point to make a U-turn?

15 A No.

16 Q You were already heading north?

17 A Yes.

18 Q Okay.

19 But you thought, you know what, I
20 am going to give these guys a piece of my
21 mind, and just stopped anyway?

22 MR. GRANDINETTE: Objection.

23 A I don't know.

24 Q Were you showing off for your
25 girlfriend?

1 Thomas M. Moroughan

2 MR. GRANDINETTE: Objection.

3 A No.

4 Q What was her purpose in being in
5 the car that night?

6 A She worked days; I worked nights.
7 So occasionally she would hang out with me
8 just to spend some time together.

9 Q Okay. What was her occupation at
10 that time?

11 A She was a dog groomer.

12 Q And did she work for herself or
13 for some company or outfit?

14 A She worked for PetSmart.

15 Q What was the location? Or was it
16 various different places?

17 A The one in, I believe it's
18 Huntington. It may be Huntington Station.
19 It's adjacent to the Walt Whitman Mall.

20 Q Do you recall her hours?

21 A It varied. Most of the time it
22 was 7 to 3 or 9 to 5.

23 Q So your business that evening was
24 that of being a taxi cab driver, correct?

25 A Yes.

1 Thomas M. Moroughan

2 Q And was there some other business
3 that was being conducted by the two of you in
4 driving around all night in the cab?

5 A What do you mean?

6 Q You were going to drive a car for
7 12 hours, right?

8 A Yes.

9 Q And she works days so she sleeps
10 at night, right?

11 A Yes.

12 Q But at 1:30 in the morning she is
13 driving around in the car with you?

14 A Yes.

15 Q What was the purpose, if there
16 was any purpose, beside simply keeping each
17 other company?

18 A She was keeping me company. You
19 know, normally, when I picked her up it was
20 after dinner. When I dropped her off it was,
21 you know, somewhere, 2, 3 o'clock in the
22 morning.

23 Q Were you on your way that night
24 to drop your girlfriend off so you could go to
25 sleep?

1 Thomas M. Moroughan

2 A No.

3 Q Are you sure there was a fare at
4 131 West 19th Street that night?

5 A Yes.

6 Q Are you sure you weren't just
7 following these guys because they aggravated
8 you?

9 A Yes, I'm sure.

10 Q Do you have any documentation,
11 such as a trip sheet, to substantiate that
12 statement?

13 MR. GRANDINETTE: Objection to
14 form.

15 A No. I believe we already said
16 that I didn't have a trip sheet.

17 Q Have you ever gone back to Dobro
18 to secure any paperwork from them to track and
19 establish your movements that night and
20 different fares that you had?

21 MR. GRANDINETTE: Objection.

22 A No.

23 Q Do you know why, when your blood
24 and urine was drawn at the hospital on
25 February 27th, why opiates were shown to be in

Thomas M. Moroughan

your bloodstream?

MR. GRANDINETTE: Objection.

You can answer.

A Yes.

Q Why?

A Because I was on pain medicine.

Q What pain medicine were you aware you were on in Huntington Hospital emergency room that night?

A That I knew of that night or that I know of now?

Q What did they tell you they were giving you?

A I know they were giving me morphine.

Q Do you have a recollection of the manner in which the morphine was administered?

A I believe it was through my IV.

Q And do you remember or do you know the names of any of the other medications, if any, you were given that night?

A As of right now do I know them?

Q Did you know them then?

1 Thomas M. Moroughan

2 A No.

3 Q What do you know them to be now?

4 A Dilaudid. Percocet. Morphine.

5 And then there was an antibiotic
6 that I don't know the name of.

7 Q How did you come to learn that
8 information since being hospitalized? Have
9 you reviewed the medical record?

10 A Yes.

11 Q When did you last look at the
12 Huntington Hospital medical record?

13 A Not too long ago.

14 Q Did you review it in preparation
15 for today's deposition?

16 A I don't believe so, no.

17 Q Had you, prior to that night,
18 ever been prescribed morphine?

19 A Morphine? Yes.

20 Q On how many different occasions?

21 A I believe when I was a child,
22 when I was 11, I was struck by two cars and I
23 broke my right femur. So I know I was on
24 serious pain killers because I kept having
25 muscle contractions for the first few weeks I

1 Thomas M. Moroughan

2 was in the hospital. You know, I believe that
3 was probably one of them.

4 MR. GRANDINETTE: Don't guess.

5 If you don't know, you don't know.

6 Q Other than remotely when you were
7 a child, do you have any recollection of ever
8 being prescribed narcotics, such as Dilaudid
9 or Percocet or morphine?

10 A No.

11 MR. GRANDINETTE: Objection.

12 Q Did you at that time have any
13 understanding of how you uniquely respond to
14 those medications?

15 MR. GRANDINETTE: Objection.

16 Q Whether they cloud your judgment,
17 whether they affect your vision? Did you have
18 any experience with them before?

19 MR. GRANDINETTE: Objection.

20 You can answer to the best of
21 your abilities.

22 A I don't know how -- I didn't know
23 how it would affect me.

24 Q Back in February of 2011, during
25 that particular week that you worked for

Thomas M. Moroughan

Dobro, did you only ever work the night shift?

A Yes.

Q So, tell me, on the preceding day, I guess -- the night in question was a Saturday, Saturday night into a Sunday?

A Yes.

Q Correct?

A Yes.

Q Did you work Friday night into Saturday?

A Yes.

Q Did you work Thursday night into Friday?

A Yes.

Q Did you work Wednesday into Thursday?

A Yes.

Q Did you work Tuesday into Wednesday?

A Yes.

Q Had you worked every day that week?

A Yes.

Q Eight days in a row?

1 Thomas M. Moroughan

2 A Yes.

3 Q 6 in the evening to 6:00 at
4 night, correct?

5 A Yes.

6 Q And with Dobro, would you have to
7 work the full 12?

8 A Yes.

9 Q Okay. So busy or not busy,
10 you're sitting in the car waiting for a call?

11 A Not necessarily. Since it was a
12 cell phone, in comparison to like Orange &
13 White where we had the radios that were built
14 into the car, if it was slower, there's a gap
15 from -- about an hour-and-a-half where there's
16 no train, nothing going on, on a Tuesday night
17 there's nothing in the Village, so I could go
18 home, watch TV and just listen for the radio,
19 and then if you had a call I could go back.
20 But I didn't necessarily have to sit in the
21 car.

22 Q Were you physically acclimated to
23 working that particular shift?

24 A Yes.

25 Q Had you worked the night shift

1 Thomas M. Moroughan

2 for other cab companies?

3 A Yes.

4 Q Is that what you typically would
5 ask for when you signed up to work as a cab
6 driver?

7 A Yes.

8 MR. GRANDINETTE: Objection.

9 Q The day before, when you worked
10 Friday into Saturday, did you work the full
11 12 hours?

12 A Yes.

13 Q And at 6 o'clock, do you have
14 to -- in the morning, did you bring the car
15 to -- so the next driver could pick it up?

16 A Yes.

17 Q Where would you bring the car to?

18 A The office.

19 Q On Main Street in Huntington?

20 A Yes.

21 Q And did you have your own vehicle
22 parked there?

23 A Yes.

24 Q And you would then drive it home?

25 A Yes.

1 Thomas M. Moroughan

2 Q So the night before, when you
3 worked the 12 hours, you brought your car back
4 at 6 in the morning, where did you go at 6 in
5 the morning after clocking out?

6 A I don't want to guess. I'm going
7 to say -- I most likely went to one of the
8 delis around my house to get breakfast. That
9 is my normal practice.

10 MR. GRANDINETTE: Don't guess.

11 THE WITNESS: I am not guessing.

12 I'm just saying --

13 MR. GRANDINETTE: You're
14 guessing.

15 BY MR. CLARKE:

16 Q Do you have any specific
17 recollection of doing something that
18 particular Saturday that was unusual or out of
19 what you ordinarily do?

20 A No.

21 Q Okay. So let's talk about your
22 custom and practice, okay?

23 A Okay.

24 Q Unless there's some unique,
25 bizarre, unusual occurrence or requirement or

Thomas M. Moroughan

1
2 appointment, when you finish up work would you
3 normally go get some breakfast?

4 A Yes.

5 MR. GRANDINETTE: Objection.

6 Q After would you bring breakfast
7 home to eat or would you eat it out?

8 A Normally I would grab a breakfast
9 sandwich and bring it home.

10 Q Would you have coffee or
11 something caffeinated to have with your
12 breakfast?

13 A No. Because I want to go to
14 sleep.

15 Q After having breakfast, what
16 would be the next things you would normally do
17 under normal custom and practice?

18 MR. GRANDINETTE: Objection to
19 form. You haven't established custom
20 and practice.

21 You can answer it.

22 A Shower.

23 Q After taking a shower, what would
24 you do next?

25 A Go to sleep.

1 Thomas M. Moroughan

2 Q And on the nights when you were
3 working -- on the days you worked the night
4 shift, would there be a certain number of
5 hours you would try to get of sleep?

6 A Yes.

7 Q How much sleep would you try to
8 get before going out to work the next shift?

9 A Normally I would sleep from 7 to
10 3, 3:30.

11 Q Now, did you and your girlfriend
12 live together at the time, February of 2011?

13 A Sort of.

14 Q She wasn't permanently there, but
15 she was there a lot?

16 A No. It's her family's house. So
17 I rented the studio apartment downstairs, but
18 she lived upstairs. So we did live in the
19 same house, but we weren't living together
20 per se.

21 Q Okay. And in the upstairs living
22 portion of the home, your girlfriend lived
23 there with who?

24 A Her aunt, her grandfather and her
25 little cousin.

1 Thomas M. Moroughan

2 Q What are their names?

3 A Nicholas.

4 Q Nicholas what?

5 A Nicholas Mondo was the
6 grandfather. And Marie Mondo is her aunt.
7 And [REDACTED] is her little cousin.

8 Q The little cousin was how old in
9 2011?

10 A 6 or 7.

11 Q Okay. And Ann Marie is still
12 alive?

13 A Yes.

14 Q The grandfather, is he still
15 alive?

16 A No.

17 Q My condolences.

18 How old was the aunt, Ann Marie,
19 at the time, in 2011?

20 A 48.

21 Q Did you see her at any point in
22 time during the course of the day before the
23 shooting?

24 A Probably, yes.

25 MR. GRANDINETTE: Don't guess.

1 Thomas M. Moroughan

2 A I don't know. I don't recall.

3 Q Do you recall if the Saturday
4 before the shooting, if you slept from 7:30 or
5 8 in the morning until about 3:00 in the
6 afternoon?

7 MR. GRANDINETTE: Objection. Are
8 you referring to --

9 MR. CLARKE: I will rephrase.

10 BY MR. CLARKE:

11 Q How much sleep did you get the
12 night before you went out to work on the night
13 of the shooting?

14 A I don't recall. It was around
15 the same amount of time that I would normally
16 get.

17 Q Do you recall if you reported to
18 work on time, at 6 in the evening?

19 A Yes, I did.

20 Q And before reporting to work,
21 what did you do that late afternoon?

22 A Probably when I woke up I
23 probably ate.

24 I know, no guessing.

25 I ate.

1 Thomas M. Moroughan

2 Q What meal would you have on a
3 normal basis, before going out to work for the
4 night shift?

5 A Lunch.

6 MR. GRANDINETTE: Objection.

7 Q You would have a sandwich or an
8 omelet? What would you eat? Breakfast?
9 What -- most people who /SR-PBT vampires
10 /-FPLT you.

11 The night shift -- you eat
12 breakfast, lunch and dinner. What would be
13 your first meal of the day?

14 A It varies. It would be a lunch.
15 It could be a burger from one of the fast food
16 joints. It could be Taco Bell. It could be a
17 sandwich.

18 Q On February 26th, 2011 do you
19 recall when you woke up?

20 A No.

21 Q Do you recall what you had as
22 your first meal that day after waking up?

23 A No.

24 Q Do you recall anything you did
25 between waking up and reporting to work at 6

Thomas M. Moroughan

o'clock?

A No.

Q And would you report to work at 6 or sometime before?

A Normally I tried to be early. So I'm normally there a few minutes early.

I was probably there a few minutes early.

I remember that I -- actually, I was waiting for the day guy to get back. He went out of town. So I didn't get on the road until about 6:30.

Q When did you find out that Kristie Mondo was pregnant with [REDACTED]?

MR. GRANDINETTE: Objection.

A Fall of 2012.

Q Okay. I'm sure you agree that children are only ever blessings and they're the best parts of life.

I would be curious to know if [REDACTED] -- if you were trying to conceive a child or if he was just a joyful surprise?

MR. GRANDINETTE: Objection to form.

1 Thomas M. Moroughan

2 Q What's the answer?

3 A We both wanted a child.

4 Q Had you decided to start a family
5 together?

6 A Yes.

7 Q So [REDACTED] was planned?

8 MR. GRANDINETTE: Objection.

9 A Yes.

10 Q Okay.

11 On the morning after you got out
12 of the hospital you talked about smoking a
13 cigarette and talking to Risco, correct?

14 A Correct.

15 Q Did any lawyer other than Risco
16 ever show up at the emergency room that night
17 or that morning?

18 A No.

19 Q You had testified earlier that
20 you had a belief that Risco was calling some
21 other lawyer to come and represent you?

22 MR. GRANDINETTE: Objection to
23 form.

24 Q Do you recall that testimony?

25 MR. GRANDINETTE: Objection.

1 Thomas M. Moroughan

2 A Not that I recall from that
3 night.

4 I later found out that she told
5 someone that she was getting a lawyer for me,
6 but I had no idea.

7 Q You found out that she later told
8 someone from what source? Did she tell you
9 that or from someone else?

10 A I don't remember.

11 Q Well, do you recall her on that
12 day ever telling you that she was calling to
13 get you a lawyer?

14 A No. I remember the lawyer
15 calling me at the precinct.

16 Q Okay. Now, on February 27th, did
17 you know that Risco Lewis was a Nassau County
18 ADA?

19 A Yes.

20 Q Did you believe that she also
21 worked in private practice?

22 A No.

23 Q Did you believe that she had
24 private clients?

25 A No.

1 Thomas M. Moroughan

2 Q Had you ever known her to be
3 retained by a private client?

4 A No.

5 Q Okay. And for how long had she
6 been a Nassau ADA, as far as you were aware,
7 as of February of 2011?

8 A I want to say 15 years plus.

9 Q Had she been a Nassau ADA as long
10 as you had known her?

11 A Almost as long as I've known her,
12 correct.

13 Q So you were aware that she was
14 involved in law enforcement when you were
15 calling out to ask her to be your lawyer,
16 right?

17 A Correct. But -- but me as a
18 regular -- I want to say as a regular
19 civilian, had no idea that -- you know, what
20 type of lawyer needs to do what. You know? I
21 just knew she was a lawyer. I knew that I
22 wanted her there next to me. And I know to
23 this day that if she would have been there to
24 have some type of an objection, this BS
25 wouldn't have happened, wouldn't have been

Thomas M. Moroughan

there.

MR. CLARKE: Move to --

MR. GRANDINETTE: Referring to
Defendant's -- Suffolk County
Defendant's Exhibit C.

MR. CLARKE: Move to strike the
entire statement as not responsive to
any pending question.

(Motion to Strike)^

BY MR. CLARKE:

Q Did she ever speak to you about
anything other than how you were feeling and
how you were doing physically that evening?

A She wasn't allowed to talk to me
that evening.

Q You had a cigarette with her
outside the emergency room, correct?

A As I was getting put in the
patrol car, yes.

Q Were you having a cigarette as
you were getting in the patrol car or did you
have the cigarette chat with her first?

1 Thomas M. Moroughan

2 MR. GRANDINETTE: Objection.

3 A It was a few minutes. We talked
4 for a few minutes and then they put me in the
5 patrol car.

6 Q In those few minutes that you
7 were chatting, did she ask you anything other
8 than how you were feeling?

9 A She asked me how I was feeling.
10 I don't recall any other conversation with
11 her.

12 Q Do you recall her ever
13 specifically telling you not to tell her what
14 happened?

15 A No.

16 Q Okay.

17 Do you recall having a discussion
18 with her about which entity, whether it would
19 be Suffolk County, Nassau or some other
20 entity, was investigating these events?

21 A No.

22 Q You made a statement to my
23 colleague, counsel for Chief Hunter,
24 Mr. Schroeder, regarding your complaints
25 regarding Mr. Schroeder -- Mr. Hunter, excuse

Thomas M. Moroughan

me.

Without quoting you, I'm fairly certain you said something along the lines of criticism about the deadly force response team, that they never investigated.

Do you recall that statement?

A Yes.

Q Did you have -- do you have some belief that the deadly force response team was responsible for investigating this event?

MR. GRANDINETTE: Objection.

A From Nassau, they are responsible for investigating police-involved shootings, correct.

Q That specific verb, "investigate," is that something that you believe on your own, or is that from some investigation or research you've done?

MR. GRANDINETTE: Objection.

BY MR. CLARKE:

Q What is the source of that opinion, that you believe they're supposed to investigate the shooting?

MR. GRANDINETTE: Objection.

1 Thomas M. Moroughan

2 You can answer.

3 A Well, the fact of just what they
4 are called is, I think, pretty
5 self-explanatory. The deadly force response
6 team means they respond to deadly force
7 scenarios.

8 Q Are you saying that your belief
9 that they're supposed to investigate is your
10 own opinion based upon the name of the team?

11 MR. GRANDINETTE: Objection.

12 A No. I believe that -- that their
13 job, from what I know it to be, is that
14 they're supposed to look into police-involved
15 shootings and report to the Police
16 Commissioner within 24 hours after the
17 shooting.

18 Q When you say "what I know it to
19 be," have you ever been in the police academy?

20 A No.

21 Q So when you say "what I know it
22 to be," what is basis of your knowledge?

23 MR. GRANDINETTE: Objection.

24 A The Newsday article that was
25 posted about how they cleared every single cop

1 Thomas M. Moroughan

2 that's ever done a shooting in the past couple
3 of years. That was a big thing, if I remember
4 correctly.

5 They actually pointed out the
6 fact that the deadly force response team is --
7 investigates deadly -- and that's also -- I
8 also saw the newspaper article about how --
9 they were actually getting a review board for
10 the deadly response team in Nassau County to
11 review after the deadly force -- deadly
12 response team does.

13 And the fact that -- I'm trying
14 to remember correctly -- Nassau County
15 actually hired a firm to go over the ethics of
16 their police department and how they treat
17 people.

18 MR. SCHROEDER: Move to strike
19 the portions not responsive.

20 ---

21 (Motion to Strike)^

22 ---

23 BY MR. CLARKE:

24 Q From what I'm hearing -- I want
25 to make sure I am not leaving anything out --

Thomas M. Moroughan

the basis for your opinion is -- that they were supposed to investigate the shooting is what you can deduce from the name of the team and a Newsday article.

Is there any other source of information that you use as a basis for your prior answer?

MR. GRANDINETTE: Objection.

Objection.

You can answer, if you can.

A No.

Q When you were brought into the detectives interview room at the Second Precinct, were you handcuffed?

A No.

Q Were you initially handcuffed when you walked into that room?

A I don't believe so, no.

Q While you were in that room, were you put in handcuffs?

A Yes.

Q While you were in that room were you placed under arrest?

A Yes.

1 Thomas M. Moroughan

2 Q And were there any members of the
3 Nassau County Police Department in that room
4 when you were placed under arrest?

5 A No.

6 Q Were there any members of the
7 Nassau County Police Department in the squad
8 car when they drove you from Huntington
9 Hospital to the Second Precinct?

10 A Not that I know of.

11 Q Have you ever been in court when
12 anyone from the Nassau County Police
13 Department has testified against you?

14 MR. GRANDINETTE: Objection.

15 Q With respect to this particular
16 event?

17 MR. GRANDINETTE: Same objection.

18 A Physically, no.

19 Q Okay.

20 And the statement that we've
21 talked about a great deal, that three-page
22 document, Exhibit C, was taken from you and
23 written up by Suffolk County police officers,
24 correct?

25 A Correct.

1 Thomas M. Moroughan

2 Q When you were interviewed by
3 people you believed to be Nassau County
4 detectives they never asked you to sign any
5 statement, right?

6 A Correct.

7 Q After you were placed under
8 arrest in the Second Precinct, where did you
9 go next, physically?

10 A Into a cell.

11 Q Within the Second Precinct or
12 somewhere else?

13 A Within the Second Precinct.

14 Q How long did you stay there?

15 A Overnight.

16 Q Into Monday?

17 A Monday morning, yes.

18 Q And on Monday, where were you
19 taken?

20 A A courthouse.

21 Q In Riverhead?

22 A In Central Islip.

23 Q And after -- did you see a judge
24 there?

25 A Yes.

1 Thomas M. Moroughan

2 Q Were you then charged, or
3 arraigned?

4 A I was arraigned, yes.

5 Q From there where were you taken
6 physically?

7 A Riverhead jail.

8 Q And how long did you remain in
9 the Riverhead jail?

10 A A few hours.

11 Q At what time of day were you
12 released from the Riverhead jail?

13 A Late that night. Monday.

14 Q Do you have a recollection as to
15 what time of day on Sunday morning you were
16 arrested?

17 A That I was finally told that I
18 was under arrest?

19 Q Did you understand my question?

20 A No.

21 Q I asked you a question, you asked
22 me a question. I'm the one asking the
23 questions. Let's try it again.

24 What time of day were you placed
25 under arrest?

1 Thomas M. Moroughan

2 MR. GRANDINETTE: Objection.

3 A I don't understand the question.

4 Q You testified that you were told
5 in the detectives interview room at the Second
6 Precinct you were under arrest. At what time
7 did that happen?

8 MR. GRANDINETTE: Can I state an
9 objection for a second? I just want to
10 speak to you for one second.

11 Tom, can you step out?

12 MR. CLARKE: There is a pending
13 question. I'd like an answer to my
14 question.

15 MR. GRANDINETTE: Okay. I
16 object. Is the question what time he
17 was told or what time he was placed
18 under arrest? There's a big difference.

19 MR. CLARKE: I don't think it's
20 that complicated.

21 He has been very clear: Up until
22 the time that he was in the detectives
23 office he was walking around, he was
24 smoking cigarettes, he was not in
25 handcuffs.

1 Thomas M. Moroughan

2 BY MR. CLARKE:

3 Q In the Second Precinct, in the
4 detectives room, someone put you in handcuffs,
5 said you're under arrest.

6 When was that? What time of day
7 did that happen?

8 A The morning.

9 Q You were discharged from the
10 emergency room sometime around 7 o'clock in
11 the morning, correct?

12 MR. GRANDINETTE: Objection.

13 That is a misstatement.

14 Q 8 o'clock in morning. Excuse me.

15 MR. GRANDINETTE: Sometime after

16 8.

17 A Yes.

18 Q Sometime before noon you were
19 told you were under arrest and put in
20 handcuffs?

21 A I believe so.

22 Q And you were then bailed out
23 sometime the following morning?

24 A Monday night.

25 Q Do you have any recollection of

1 Thomas M. Moroughan

2 the time that you were released from the
3 Riverhead jail, when you were bailed out?

4 A Late night. Somewhere between 12
5 and midnight -- I'll mean 10 and midnight.

6 Q Do you have any other tattoos
7 beside the tattoo on your arm and on your
8 bullet wound on your chest?

9 MR. GRANDINETTE: Objection to
10 relevance.

11 You can answer.

12 A Yes.

13 Q How many tattoos do you have?

14 MR. GRANDINETTE: Same objection.

15 A Three others.

16 Q Are they also of blood spatter
17 and blood?

18 MR. GRANDINETTE: Objection.

19 A No.

20 Q Do you have any other tattoos of
21 bullet wounds?

22 A No.

23 Q Do you know a rapper named Kidd
24 Kidd?

25 MR. GRANDINETTE: Objection to

1 Thomas M. Moroughan

2 relevance.

3 Q Do you know a rapper named Kidd
4 Kidd?

5 A No.

6 Q Do you know the rap song,
7 "Tattoos on My Bullet Wounds"?

8 A No.

9 Q Are you a member of a gang?

10 A Is that a serious question?

11 Q Yes.

12 A No.

13 Q You testified that you found the
14 bullet wounds to be disfiguring and drawing
15 unwelcome attention.

16 Is that a fair summary of what
17 you testified?

18 MR. GRANDINETTE: Objection to
19 form.

20 A I said the scars.

21 Q You were -- you weren't happy
22 with people asking you questions all the time,
23 I think is what you testified to?

24 A Yes.

25 Q That it brought up a bad, sad,

1 Thomas M. Moroughan

2 unpleasant memory?

3 A Right.

4 Q And you chose then to adorn the
5 bullet wounds with blood splatter, is that
6 correct?

7 MR. GRANDINETTE: Objection to
8 form.

9 A I don't understand the question.

10 Q Well, you have now adorned the
11 bullet wounds with tattoos of blood splatter;
12 is that correct?

13 MR. GRANDINETTE: Objection to
14 form.

15 A What is "adorned"?

16 Q Decorated.

17 MR. GRANDINETTE: Objection to
18 form.

19 A No. I don't believe I decorated
20 it.

21 Q Well, the wounds, after they were
22 healed, did not have any residue of blood
23 splatter permanently on the skin, correct?

24 A Correct.

25 Q The wounds had been cleaned in

1 Thomas M. Moroughan

2 the hospital and cleaned by your treating
3 physicians as they healed, correct?

4 A Correct.

5 Q They stopped bleeding within
6 24 hours of the wound, correct?

7 MR. GRANDINETTE: Objection.
8 Relevance.

9 A I don't know how long it took to
10 stop bleeding.

11 Q At the time you had tattoos of
12 blood put on them were they actively bleeding
13 wounds?

14 A No.

15 Q Now, the tattoos that you have of
16 blood splatter where -- in the vicinity of the
17 two bullet wounds, are those permanent tattoos
18 or are those temporary tattoos?

19 A They're permanent.

20 Q So you'll have them the rest of
21 your life; is that correct?

22 A They'll be there, yes.

23 Q That was your intention, correct,
24 to have these permanently scarred on your body
25 with blood splatter in the area where you had

1 Thomas M. Moroughan

2 been shot; is that correct?

3 A Yes.

4 Q What is the name of the tattoo
5 artist who did the blood splatter tattoos at
6 the two locations?

7 A I have no idea.

8 Q Where was the -- what is the name
9 of the tattoo parlor where they were done?

10 A Couldn't even tell you. It was
11 in Islip.

12 Q Was it a private business or
13 somebody who did it in their kitchen, or
14 something else?

15 A It was a business.

16 Q You have no recollection of the
17 name of it?

18 A No.

19 Q Had that location ever done
20 tattoos for you before?

21 A No.

22 Q And when did you have these
23 tattoos made, the tattoo on the forearm and
24 tattoo on your chest?

25 A August or September of 2011.

1 Thomas M. Moroughan

2 Q So six months after the shooting?

3 A Yes.

4 ---

5 (A recess was taken.)

6 ---

7 MR. CLARKE: In deference to the
8 hour and the hard work everyone has done
9 today with minimal interruptions and
10 minimal argument, we have had an
11 opportunity to consult off the record
12 among counsel.

13 The defendants have asked
14 plaintiff to consent to extend this
15 deposition an additional 90 minutes.
16 And that we have asked him to consent to
17 produce his witness tomorrow morning to
18 continue and complete his deposition,
19 which we will then immediately follow
20 with the deposition of Ms. Mondo which
21 is scheduled for tomorrow.

22 And, Counsel, how do you feel
23 about that?

24 MR. GRANDINETTE: I consent to
25 that request as reasonable under the

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Thomas M. Moroughan
circumstances, given our prior
discussions.

Plaintiff agrees to produce
plaintiff and extend the deposition for
an additional 90 minutes if necessary.

MR. SCHROEDER: Thank you very
much.

(Time noted: 7:15 p.m.)

1 Thomas M. Moroughan

2 (Whereupon, the following is a
3 continuation of the previous day's
4 testimony.)

5 (Time started: 10:10 a.m.)

6 * * *

7 THOMAS MOROUGHAN, recalled as a
8 witness, having been previously duly
9 sworn by a Notary Public, was examined
10 and testified further as follows:

11 * * *

12 EXAMINATION BY

13 MR. CLARKE:

14 Q Mr. Monaghan, with your
15 attorney's permission, as you know, we
16 extended the deposition a little bit.

17 I'm going to do my best to try to
18 keep you here even -- finish within the 90
19 minutes, or much sooner than that. So let's
20 get started. Okay, sir?

21 Anything happen since I saw you
22 last night until this morning that would
23 prevent us from going ahead today? Are you
24 feeling okay? Have you taken any medications?
25 How do you feel?

1 Thomas M. Moroughan

2 A I feel fine.

3 Q All set? No problems? Had a
4 good night's sleep?

5 A Yes.

6 Q Good.

7 If you could tell me -- I'll try
8 not to interrupt you -- starting from the time
9 that you were brought to the emergency room,
10 up until today, the names of every doctor that
11 you have gone to see for treatment for any of
12 the injuries you had sustained that day?

13 A Okay.

14 I'll start from the beginning,
15 until today?

16 Q I know we had the Huntington
17 emergency room.

18 A I don't know the doctors at the
19 Huntington emergency room.

20 Q Fair enough.

21 A After that, Dr. Martin.

22 Q Okay.

23 A Dr. German.

24 Q Could you spell that?

25 A It is like German, G-E-R-M-A-N.

Thomas M. Moroughan

Dr. Gluck.

I'm trying to remember the
vascular surgeon's name.

Q If you can't remember a name, but
you know it was a vascular surgeon, perhaps we
can leave a blank in the transcript. When you
review the transcript you can provide that
name for us?

A Yes.^

TO BE FURNISHED: _____

BY MR. CLARKE:

Q So there's a vascular surgeon,
the name you cannot remember.

A He was the one that took the
bullet out of my chest.

Q Any others?

A Medical physicians?

Q Any medical provider, counselor,
therapist --

A Then --

Q -- nurse practitioner?

A -- Sylvia Freed, you guys already
know about.

1 Thomas M. Moroughan

2 Dr. Mitra, that you know about.

3 Q Okay. So just repeating the
4 list:

5 Huntington emergency room;
6 Dr. Martin, Dr. German; Dr. Gluck; the
7 vascular surgeon to be named; Therapist Freed;
8 and Dr. Mitra.

9 So that is the universe of people
10 who cared for you for injuries you claim in
11 this case?

12 MR. MITCHELL: Spell Freed.

13 THE WITNESS: F-R-E-E-D.

14 BY MR. CLARKE:

15 Q Do you know what Dr. Martin's
16 specialty is?

17 A I believe he is a
18 vascular-something as well. He was part of
19 the hospital.

20 Q Okay. And had you ever been his
21 doctor [sic] ^ before February 2011?

22 MR. MITCHELL: Patient.

23 Q Patient, excuse me.

24 A No.

25 Q When did you last see him for

Thomas M. Moroughan

care related to the injuries you sustained
that day?

A March of 2011.

Q When you saw him last in March,
was that at the hospital or an office or
somewhere else?

A His office.

Q Okay.

Now Dr. German, prior to
February 6, 2011 had you been his patient?

A Yes.

Q Is he your internist?

A He was my primary at the time,
yes.

Q So before February of 2011 you
would go to see him for any number of
different ailments, colds, that sort of thing?

A Yes.

Q And was he the physician who
monitored your diabetes?

A Yes.

Q And provided you with whatever
medications you need?

A Yes.

Thomas M. Moroughan

Q When did you last see Dr. German
in his office?

MR. GRANDINETTE: Objection;
relevance. Objection, but answer the
question.

A I believe it was 2012.

Q When did you last see Dr. German
with respect to treatment you wanted or needed
for any injury you claim in this case?

A Okay. Either March --

Q If ever.

A Either March or April of 2011.

MR. SCHROEDER: Which doctor?

MR. CLARKE: German.

BY MR. CLARKE:

Q What treatment did Dr. German
provide for any of the injuries you claim in
this case?

A Cleanup. Cleaning out the
wounds. Wound care.

Q So any treatment since April of
2011 has been for other issues, other
conditions, unrelated to the events of
February 2011; is that fair?

1 Thomas M. Moroughan

2 A I'm going to say June. Because
3 he had actually wrote -- sorry. I want to say
4 June because he actually wrote the referral
5 for the vascular surgeon who took the bullet
6 out of my chest, and for the arm surgeon, Dr.
7 Gluck, who took the one out of my arm.

8 Q Did Dr. Martin ever refer you to
9 any physician?

10 A No.

11 Q Dr. German referred you to Gluck
12 and the vascular?

13 A Yes.

14 Q And that was in June of 2011?

15 A Yes.

16 Q And as far as you can recall
17 that's the last time Dr. German provided you
18 with any care or treatment for the injuries
19 you sustained in February of 2011, correct?

20 A Yes.

21 Q Now, Dr. Gluck, what is
22 Dr. Gluck's specialty?

23 A He is an arm -- hand and arm
24 surgeon.

25 Q If I use the word orthopedic

1 Thomas M. Moroughan

2 surgeon, is that what he is?

3 A No.

4 He just specializes in hand and
5 arm. So it is something else. I forget.

6 Q Fair enough.

7 When did you begin treating with
8 him?

9 A June/July.

10 Q Of...?

11 A 2011.

12 Q And when did you last treat with
13 him?

14 A Same time.

15 Q How many times did you see him?

16 A Twice.

17 Q Forgive me, is Dr. Gluck a man or
18 a woman?

19 A Man.

20 Q What's his first name?

21 A Don't know.

22 MR. SCHROEDER: Where is his
23 office?

24 THE WITNESS: Lake Success.

25 BY MR. CLARKE:

1 Thomas M. Moroughan

2 Q And had you ever been a patient
3 of Dr. Gluck prior to June of 2011?

4 A No.

5 Q The vascular surgeon that you
6 went to see, where was that vascular surgeon
7 located?

8 A 124 Main Street in Huntington.

9 Q Is that a building that houses a
10 number of different physicians' offices?

11 A Yes.

12 Q And when did you begin treating
13 with that vascular surgeon?

14 A Same time; June or July of 2011.

15 Q When did you last treat with that
16 person?

17 A Same time.

18 Q How many visits did you have with
19 that doctor?

20 A Two or three.

21 Q You say he removed blood from
22 your chest?

23 A He removed the bullet from my
24 chest.

25 Q Okay. After removing the

Thomas M. Moroughan

bullet -- was that something that was done in his office?

A No. It was done at the Melville Day Surgery Center, I believe it was called.

Q By definition, was that a place where you went for you surgery but you were not admitted; in other words, you didn't say overnight?

A Yes.

Q You went in, he performed the procedure, and you went home?

A Yes.

Q Approximately how long did it take the physician to perform that procedure?

A I couldn't even tell you.

Q Were you unconscious during the process --

A Yes.

Q -- or in that twilight condition?

A No. It was anesthesia.

Q What time did you go there that day?

A I believe it was like 8:30 in the morning I was there.

1 Thomas M. Moroughan

2 Q What time did you come home?

3 A I don't know.

4 Q Who brought you there?

5 A Kristie Mondo.

6 Q She brought you home?

7 A Yes.

8 Q And after having the procedure,
9 the bullet removed, did you go back to that
10 surgeon at his office on Main Street for a
11 checkup?

12 A I'm not sure. I might have. I
13 don't want to guess.

14 Q You saw him the one time for this
15 procedure at the Melville Surgery Center. The
16 other times were at his office; is that
17 correct?

18 A Yes, I saw him once -- I believe
19 it was either once or twice prior to the
20 surgery for a consultation and stuff. And
21 then the surgery.

22 Q And you last saw him June or July
23 of 2011, correct?

24 A Yes.

25 Q Now, this therapist named Freed,

Thomas M. Moroughan

Sylvia Freed, when did you begin seeing
Therapist Freed?

A About six months ago. July, June
or July.

Q Of 2014?

A Yes.

Q When did you last see her most
recently?

A Not this past Monday because of
the holiday, but the Monday before.

Q And were you referred to the
Pederson-Krag facility by any of your doctors?

A No.

Q Were you referred there by any of
your lawyers?

A No.

Q Were you referred there by any of
your family members?

A No.

Q How did you find that center; how
did you settle up on that center among the
others that are available to treat the
conditions you're complaining of?

MR. GRANDINETTE: Objection to

1 Thomas M. Moroughan

2 form.

3 A They were listed in my book for
4 my healthcare.

5 Q What is that book? What's it
6 called?

7 A Just the treatment -- it shows
8 the people, the doctors that are in my
9 network.

10 Q Who provided you with that book?

11 A Fidelis.

12 Q What is the name of your network?

13 A Fidelis.

14 Q Fidelis Healthcare?

15 A Yes.

16 Q Is that private insurance or is
17 that Medicare/Medicaid, or something else?

18 A Medicaid.

19 Q Has all of the medical treatment
20 that you have received for the injuries you
21 claim in this case been paid for through
22 Medicaid?

23 MR. GRANDINETTE: If you know.

24 A I'm not 100 percent sure.

25 Q Do you have a Medicaid card?

1 Thomas M. Moroughan

2 A Yes.

3 Q Do you have it with you today?

4 A Yes.

5 MR. CLARKE: Okay. When we are
6 on a break I'd ask counsel to permit a
7 copy to be made so we can have it for
8 our records.

9 ---

10 (Request for Production)^

11 ---

12 MR. CLARKE: I'm going to demand
13 authorizations for the plaintiff's
14 Medicaid records, claims history and
15 billing history.

16 ---

17 (Request for Production)

18 ---^

19 MR. GRANDINETTE: We'll take it
20 under advisement. Submit us a demand.
21 He won't produce it today, but submit us
22 a demand and we will take it under
23 advisement.

24 MR. CLARKE: I am demanding it
25 now.